

Naturalization and the U.S. Military

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Effective 1 October 2004, a new immigration law goes into effect that permits qualified members of the U.S. Armed Forces (Army, Navy, Marine Corps, Air Force, Coast Guard, parts of the National Guard, and Selected Reserve of the Ready Reserve), as of 11 Sept. 2001, to apply for citizenship under special provisions provided for in Section 328 and 329 of the Immigration and Nationality Act (INA). The U.S. Citizenship and Immigration Services (USCIS), under the provisions of the INA, has created a streamlined process for service members serving in active-duty status or recently discharged to be examined and sworn in as American citizens at designated overseas locations and not to be charged the regular naturalization filing fees. The law will impact the over 60,000 immigrants currently serving in the U.S. Armed Forces (two percent of the total service personnel on active duty).

Eligibility

Service members may be eligible to apply for citizenship by demonstrating that they meet the following criteria: (1) Good moral character; (2) Knowledge of the English language; (3) Knowledge of U.S. government and history; and (4) Attachment to the U.S. by taking an oath of allegiance to the U.S. Constitution. Eligibility will also be predicated upon: (1) Honorable service during one year of

conflict; (2) Possession of a green card or presence in the U.S. at time of enlistment; and (3) Filing of the application within six months of discharge. In addition, several naturalization requirements may be waived, including required residency and physical presence in the United States.

Citizenship granted pursuant to the INA may be revoked if the service member is separated from the Armed Forces under other than honorable conditions in addition to any other reason provided by law.

Process

The service member's N-400 application for citizenship will be reviewed; all security checks completed and directed to the district office closest to member's location. The district office will then coordinate the interview date and test of the member's knowledge of English and Civics. If the application is granted, the USCIS will inform the service member of the date for his/her oath of allegiance.

Posthumous Benefits

The INA allows for the awarding of posthumous citizenship to active-duty service members who die while serving in the Armed Forces. Surviving family members seeking immigration benefits will be given special consideration. ↴